



010904

14202 U.S. PTO

Docket No: AM 100169-D2
Patent**DIVISIONAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re of Application of: Diane Harris Boschelli, et al.

Serial No.: Divisional of Group Art No.: 1624
10/318,213

Filed: January 9, 2004 Examiner: Sudhaker B. Patel

For: 3-Cyanoquinolines, 3-Cyano-1,6-Naphthyridines, and 3-Cyano-1,7-Naphthyridines as Protein Kinase Inhibitors

Confirmation No.:

Customer Number: 25291

31355 U.S. PTO
10/755136

010904

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s):
Diane Harris BOSCHELLI; Yanong WANG; Frank Charles BOSCHELLI; Dan Maarten BERGER; Nan ZHANG; Dennis William POWELL; Fei YE; Ayako YAMASHITA; Frenel Fils DEMORIN; Biqi WU; Hwei-Ru TSOU; Elsebe Geraldine OVERBEEK-KLUMPER; Allan WISSNER;

For: 3-CYANOQUINOLINES, 3-CYANO-1,6-NAPHTHYRIDINES, AND 3-CYANO-1,7-NAPHTHYRIDINES AS PROTEIN KINASE INHIBITORS.

1. This new application is for a:
 - ☒ Divisional
 - ☐ Continuation
 - ☐ Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 120)
This application is a divisional application and claims benefit from copending U.S. Application No.: 10/318,213, filed December 12, 2002, which is a divisional application claiming benefit from U.S. Application No. 09/820,070, filed March 28, 2001, now U.S. Patent No. 6,521,618, issued February 18, 2003, which is a nonprovisional application claiming benefit from U.S. Application No.: 09/535,843, filed March 28, 2000 and is now abandoned, converted from U.S. Provisional Application No.: 60/219,322, filed March 28, 2000, now abandoned, pursuant to a petition filed under 37 C.F.R. 1.53 (c)(2), filed August 2, 2000.
3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
 - ☒ Pages of specification – 376 pages
 - ☐ Sequence Listing – pages on
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ Paper
 - ☒ Pages of claims – 171 pages

- ☒ Page(s) of abstract – 1 pages
Sheets of drawing – pages
☐ Formal
☐ Informal

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU238171084US addressed to the Commissioner for Patents, PO Box 1450, Arlington, VA 22313-1450.

January 9, 2004

Date


Ann Peterson

4. Additional papers enclosed
- ☒ Information Disclosure Statement
 - ☒ Form PTO-1449 (A copy as filed in U.S. Serial No. 09/820,070)
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Computer Readable Form of Sequence Listing
 - ☐ Declaration Under 37 CFR 1.821(f)
 - ☒ Application Data Sheet
 - ☒ Other: Preliminary Amendment
5. Declaration
- ☒ Copy from a prior application (37 CFR 1.63 (d)) is enclosed (A copy as filed in U.S. Serial No. 09/820,070)
 - ☐ New declaration enclosed and executed by all inventor(s)
 - ☐ New declaration not enclosed or not executed by all inventor(s)
6. Assignment
- An assignment of the invention to:
- Wyeth (formerly American Home Products Corporation)
Five Giralda Farms
Madison, New Jersey 07940-0874
- ☒ was made in the prior application and recorded in PTO on January 18, 2002 Reel 012525, Frame 0811.
 - ☐ is attached under separate Recordation Form Cover Sheet.
 - ☐ will follow.
7. Incorporation By Reference
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
8. Amendments
- ☒ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)
 - ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)
9. General Authorization:
- During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1425.

10. Filing Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
				\$740.00
TOTAL CLAIMS	29	9	x \$ 18.00	162.00
INDEPENDENT CLAIMS	12	9	x \$ 84.00	756.00
MULTIPLE DEPENDENCY FEE			\$ 280.00	
Total Filing Fee:				\$1658.00

11. Fee payment being made at this time: \$1658.00
12. Method of Payment of Fees:
Charge Deposit Account No. 01-1425 in the amount of \$1658.00
A duplicate of this transmittal is attached.
13. Instructions as to Overpayment:
Credit any overpayment to Deposit Account No. 01-1425.
14. Authorization to Charge Additional Fees
☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1425:
☒ 37 CFR 1.16(a), (f), or (g) filing fees
☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims
☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
☒ 37 CFR 1.17 application processing fees
15. Relate Back (35 USC 120)
☐ Amend the Specification by inserting before the first line the sentence:
 --This is a divisional of copending application(s) serial number _____ filed on _____
 the entire disclosure of which is hereby incorporated by reference.--
16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed
 (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)
☒ the same
☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)
- ☐ the same
- ☐ the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

- (a) ☐ Extension of Time in Prior Application
- ☐ A petition, fee and response extends the term in the pending prior application until
- ☐ A copy of the petition filed in the prior application is attached.
- (b) ☐ Conditional petition for Extension of Time in Prior Application.
- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition filed in the prior application is attached.

18. REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).

- ☐ A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

19. SEND CORRESPONDENCE TO:

Customer Number: 25291

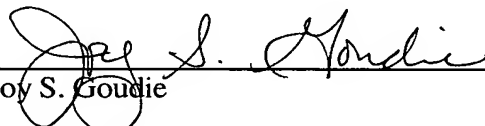
Bar Code:



DIRECT ALL TELEPHONE CALLS TO:

Name: Joy S. Goudie
Tel. No. 845-602-2126

20. ☒ Return Receipt Postcard is attached.


Joy S. Goudie
Reg. No. 48,146

Wyeth
Patent Law Department
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